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Swaziland

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

1. International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	ICERD (1969)	OP-CRC-AC (2012)	ICCPR-OP 2
	ICESCR (2004)	OP-CRC-SC (2012)	OP-CAT
	ICCPR (2004)	CRPD (2012)	ICRMW
	CEDAW (2004)		ICPPED (signature, 2007)
	CAT (2004)		
	CRC (1995)		
Reservations and/or declarations	CRC (declaration, art. 4, 1995)	OP-CRC-AC (declaration, art. 3, 2012)	
Complaints procedures, inquiries and urgent action[3]	CAT, arts. 20 (2004)	OP-CRPD, art. 6 (2012)	ICERD, art. 14
			CAT, arts. 21 and 22
			OP-ICESCR
			ICCPR, art. 41
			ICCPR-OP 1
			OP-CEDAW
			OP-CRC-IC
			ICRMW
			ICPPED

1. In 2014, the Committee on the Elimination of Discrimination against Women encouraged Swaziland to ratify OP-CEDAW and to consider ratifying ICPPED and ICRMW.[4]

2. The United Nations country team noted that, in 2012, the country had ratified 29 international instruments, which included the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.[5]

2. Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession			Convention on the Prevention and Punishment of the Crime of Genocide
			Rome Statute of the International Criminal Court
			Palermo Protocol[6]
	Conventions on refugees and stateless persons[7]		
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II[8]		Additional Protocol III to the 1949 Geneva Conventions[9]
	ILO fundamental conventions[10]		
			ILO Conventions Nos. 169 and 189[11]
	Convention against Discrimination in Education		

B. Constitutional and legislative framework

3. Acknowledging that progress had been made regarding the ratification of key human rights instruments, the country team noted that the implementation of those instruments remained a challenge.[12]

4. Noting that there was no systematic law and policy reform effort to ensure the timely harmonization of national laws and policies with the provisions of the Constitution,[13] the country team recommended that Swaziland carry out a reform exercise to align its laws with the Constitution and human rights instruments.[14]

5. The country team recalled that, in 2011, it had been recommended that Swaziland repeal or amend the Suppression of Terrorism Act of 2008, the Sedition and Subversive Activities Act of 1938, the Proscribed Publications Act of 1968 and other pieces of security legislation, to bring them into accordance with international human rights standards.[15] It reported that, in 2015, the Government had initiated the review of the Suppression of Terrorism Act.[16] The International Labour Organization (ILO) Committee on the Application of Standards noted that the Government was also amending the Public Order Act of 1965.[17]

6. The Committee on the Elimination of Discrimination against Women noted with concern that a number of draft laws and policies with an important bearing on women's rights, such as the bills on marriage, administration of estates, transnational crime, employment, legal aid, sexual offences and domestic violence and land policy, were still pending. It recommended that Swaziland urgently adopt the laws and policies that are pending.[18]

7. The Committee on the Elimination of Discrimination against Women called upon Swaziland to establish a law review commission, which should conduct a gender analysis of its laws with a view to harmonizing them with the Convention.[19]

8. The Committee on the Elimination of Discrimination against Women called upon Swaziland to adopt a comprehensive legal definition of discrimination against women in line with the Convention, covering all prohibited grounds of discrimination.[20]

9. The Committee on the Elimination of Discrimination against Women regretted that section 28 (2) of the Constitution stated that the provision of the facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement was subject to availability of resources. It called upon Swaziland to review that section so that it complies with the immediate nature of the obligation to realize rights under the Convention.[21]

10. In 2011, the Working Group on the issue of discrimination against women in law and in practice sent a letter to Swaziland concerning discriminatory provisions against women in nationality legislation. According to the information received, legislation discriminated against women in that they were not able to confer their Swazi nationality to their children. Reportedly, according to the 2005 Constitution, children born inside or outside of Swaziland prior to 2005 to at least one Swazi parent acquired Swazi citizenship, but children born after 2005 only acquired citizenship from Swazi fathers.[22]

11. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Swaziland amend its nationality law to include a safeguard to ensure that children born on the territory who would otherwise be stateless automatically acquire Swazi nationality; amend articles 43 and 44 of its Constitution so that Swazi women can transfer nationality to their children and their foreign spouse on the same basis as men; and consider undertaking a study or survey to identify the number of stateless people in the country.[23]

12. UNHCR stated that, as regarded the prevention and reduction of statelessness, the national legislation did not yet fully implement domestically the international legal obligations of Swaziland.[24]

13. UNHCR noted that the 2015 Refugee Bill was expected to be presented in Parliament in the near future, although an exact date had not yet been set. It commended Swaziland for introducing a new refugee definition and new provisions on the rights and duties of refugees.[25]

14. Noting that article 15 of the Refugee Bill could result in refugees and asylum seekers being arbitrarily deprived of the right to freedom of movement, UNHCR recommended that Swaziland allow asylum seekers and refugees to continue enjoying freedom of movement and residence in the country, in accordance with its international obligations.[26]

15. UNHCR recommended that Swaziland insert the principle of the best interest of the child as a horizontal provision in the 2015 Refugee Bill and incorporate the full wording of article 3 (1) of CRC.[27]

C. Institutional and human rights infrastructure and policy measures

16. The country team reported that the administration of human rights fell within the jurisdiction of the Ministry of Justice and Constitutional Affairs.[28]

17. Indicating that the Constitution created a number of key human rights institutions, including the Human Rights and Public Administration Commission, the country team mentioned that the main functions of the Commission included investigating human rights violations, receiving complaints of injustice, corruption and abuse of power in office and taking appropriate action to remedy and correct those violations.[29]

18. Recalling that several recommendations from the first universal periodic review of Swaziland had focused on strengthening the capacity, functionality, independence and legal framework of the Human Rights Public Administration Commission to ensure conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) as a national human rights institution,[30] the country team noted that, in 2015, the Commission's Secretariat had been strengthened through the appointment of a chief executive officer, a legal officer and three human rights examiners. It added that, for improved accessibility, the Commission's office had been relocated to Mbabane.[31]

19. The Committee on the Elimination of Discrimination against Women noted that the Gender and Family Issues Unit had been elevated to a department within the Office of the Deputy Prime Minister, but was concerned that it was extremely underresourced in both human and financial terms. The Committee recommended that Swaziland provide adequate financial and human resources to the Department.[32] The country team made a similar recommendation.[33]

20. Recalling that, in its 2011 review, Swaziland had received recommendations regarding the development and adoption of a national human rights strategy and action plan,[34] the country team recommended that Swaziland develop and institutionalize the national mechanism for the implementation of national policies and finalize, adopt and implement the National Strategy and Action Plan to End Violence, the Social Protection Strategy and Action Plan and the Land Policy. It also recommended implementing the National Disaster Management Act and strengthening the National Disaster Management Authority.[35]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Committee on the Elimination of Racial Discrimination	March 1997	-	-	Combined fifteenth to nineteenth reports overdue since 2006
Committee on Economic, Social and Cultural Rights	-	-	-	Initial report overdue since 2006
Human Rights Committee	-	-	-	Initial report overdue since 2005
Committee on the Elimination of Discrimination against Women	-	2012	July 2014	Third report due 2018

Committee against Torture	-	-	-	Initial report overdue since 2005
Committee on the Rights of the Child	September 2006	-	-	Combined second to fourth reports overdue since 2011; initial reports on OP-CRC-AC and OP-CRC-SC overdue since 2014
Committee on the Rights of Persons with Disabilities	-	-	-	Initial report overdue since 2014

21. The Committee on the Elimination of Discrimination against Women recommended that Swaziland consider seeking international assistance and avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the Committee's recommendations and the Convention as a whole. It also called upon Swaziland to continue its cooperation with the specialized agencies and programmes of the United Nations system.[36]

22. The country team indicated that Swaziland had been encouraged to identify its needs for technical and financial assistance to catch up on the backlog accumulated in the submission of reports to treaty bodies, and to make use of the technical support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) to finalize its overdue reports.[37]

23. The country team recommended that Swaziland establish a government-led human rights monitoring mechanism to ensure adherence to, reporting on and implementation of international human rights commitments and recommendations.[38]

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
Committee on the Elimination of Discrimination against Women	2016	Adoption of a comprehensive legal definition of discrimination against women; sexual offences and domestic violence[39]	-

B. Cooperation with special procedures[40]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken		
Visits agreed to in principle		
Visits requested	Freedom of expression	Independence of judges and lawyers
		Safe drinking water and sanitation

	Freedom of opinion
	Albinism
Responses to letters of allegation and urgent appeals	During the period under review, eight communications were sent. The Government replied to one communication.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

24. In 2014 and 2015, the OHCHR Regional Office for Southern Africa carried out missions to Swaziland to provide technical assistance on the human rights-based approach in the United Nations Development Assistance Framework/United Nations Partnership Framework and selected other United Nations programmes.[41]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

25. The country team noted that chapter IV of the Constitution governed issues of citizenship, providing for different treatment between men and women regarding acquisition of citizenship through marriage, transfer of citizenship through descent and renunciation of citizenship.[42]

26. The country team recalled that, in the 2011 review, it had been recommended that Swaziland review all national policies and legislation that violated the principle of equality and non-discrimination; abrogate legislative and regulatory provisions that discriminated against women; and adopt new laws in accordance with the principle of gender equality and non-discrimination as set out in CEDAW.[43]

27. The Committee on the Elimination of Discrimination against Women noted the efforts of Swaziland to tackle challenges relating to its nationality legislation, but expressed concerns that both the Constitution and the Citizenship Act contained provisions depriving children born to Swazi women and foreign husbands of nationality.[44]

28. The country team stated that no systematic national legislative and policy reform process had been established to align all laws and policies with the principle of equality and non-discrimination as stated in the Constitution, and as espoused in CEDAW.[45]

29. According to the country team, most women still faced hindrances in acquiring land through the customary laws and structures. Women's access to land under the traditional land tenure system was largely dependent on the practices, norms, values and judgements of individual traditional leaders and was not regulated or informed by any national land policy.[46]

30. The Committee on the Elimination of Discrimination against Women recommended that Swaziland repeal the discriminatory provisions in the Constitution and the Citizenship Act.[47] It also recommended repealing the doctrine of marital power in order to ensure that women have identical legal capacity to that of men to conclude contracts and to administer property, as well as to sue or to be sued.[48]

31. The Committee on the Elimination of Discrimination against Women was concerned at the persistence of adverse cultural practices and traditions and patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society. It urged Swaziland to intensify media and other efforts to educate the public and raise awareness about existing sex-based stereotypes with a view to eliminating them.[49]

B. Right to life, liberty and security of the person

32. Concerned at the gruesome murders of women and girls with albinism, whose body parts were harvested for rituals, the Committee on the Elimination of Discrimination against Women recommended that Swaziland urgently establish a national register of persons with albinism and provide protection to women and girls with albinism.[50]

33. The country team stated that national police statistics showed that the incidence of violence (particularly physical and sexual violence against women and children) remained unacceptably high.[51]

34. Deeply concerned that the Bill on Sexual Offences and Domestic Violence had lapsed because it did not receive royal assent, the Committee on the Elimination of Discrimination against Women urged Swaziland to enact into law the Bill without further delay and ensure that it is comprehensive.[52]

35. The Committee on the Elimination of Discrimination against Women also urged Swaziland to establish a national violence coordination mechanism with a mandate to tackle all forms of violence against women and girls and to coordinate national efforts to prevent and eliminate such violence.[53]

36. The Committee on the Elimination of Discrimination against Women urged Swaziland to encourage reporting of domestic and sexual violence against women and girls, to ensure that complaints are effectively investigated and perpetrators punished with sanctions commensurate with the gravity of the offence and to address the culture of impunity.[54]

37. Concerned about the widespread cases of abuse of and sexual violence against girls in schools by teachers and when travelling to and from school, the Committee on the Elimination of Discrimination against Women recommended that Swaziland adopt measures to prevent and eliminate all abuse of and sexual violence against girls in schools and ensure that perpetrators are adequately punished.[55]

38. Noting that shelters remained inadequate for and inaccessible to women and girls in regions away from the capital, the Committee on the Elimination of Discrimination against Women urged Swaziland to decentralize one-stop centres and shelters to the four regions of the country in order to ensure that women and girls who are victims of violence can gain access to them.[56]

39. Concerned at the lack of programmes aimed at addressing prostitution, including exit programmes, the Committee on the Elimination of Discrimination against Women recommended that Swaziland provide data on existing programmes aimed at addressing prostitution and on implementing exit programmes for women who wish to leave prostitution.[57]

40. The country team recalled that, in its first review, Swaziland had received recommendations regarding the rights of children that focused on the acceleration of the enactment of the Child Protection and Welfare Bill and the strengthening of the functionality of the country's juvenile justice system to ensure that it complied with acceptable international standards.[58]

41. The country team noted that, in 2012, Swaziland had incorporated CRC into its national legislation, by enacting the Children's Protection and Welfare Act, to improve the legal and institutional frameworks necessary for the protection of children. The Act provided a wide range of protective measures for children, including the establishment and strengthening of national and community structures for the protection and care of children, the setting up of child-sensitive juvenile justice systems and protection from all forms of abuse and exploitation.[59]

42. According to the country team, challenges in the implementation of the Act still remained. It stated that the protocols to the Act had not yet been developed, that not all Government sectors had the capacity and/or necessary resources to implement the Act and that a strong centralized coordination and monitoring of the implementation process was missing.[60]

43. In 2013, the ILO Committee of Experts on the Application of Conventions and Recommendations requested Swaziland to indicate whether any cases had been brought before the court about the customary practice of forced labour called *kuhlehla* and provide information on the measures taken to formally repeal Swazi Administration Order No. 6 of 1998 concerning the duty of Swazis to obey orders requiring participation in compulsory works, such as compulsory cultivation, anti-soil erosion works and the making, maintenance and protection of roads, which was enforceable with severe penalties for non-compliance.[61]

44. Concerned about the lack of appropriate measures to criminalize corporal punishment and prevent its use in all settings, especially schools, the Committee on the Elimination of Discrimination against Women recommended that Swaziland prohibit corporal punishment and adopt measures aimed at eliminating its use in all settings and promote the use of non-violent forms of discipline.[62]

45. While welcoming the adoption of the People Trafficking and People Smuggling (Prohibition) Act in 2009, the Committee on the Elimination of Discrimination against Women recommended that Swaziland intensify efforts to tackle the root causes of trafficking in women and girls and ensure the rehabilitation and social integration of victims.[63] It also recommended stepping up efforts aimed at bilateral, regional and international cooperation to prevent trafficking.[64] Finally, it recommended that Swaziland increase awareness-raising efforts aimed at promoting reporting of trafficking crimes and early detection of women and girls who are victims of trafficking.[65]

C. Administration of justice and the rule of law

46. Recalling that the 2011 recommendations had focused on the establishment of concrete and immediate measures to guarantee the independence and the impartiality of the judiciary and the improvement of conditions in prisons and detentions centres,[66] the country team noted recent efforts by the Government to improve transparency in the recruitment of judicial officers. Those efforts included the advertisement for and appointment of four judges of the High Court, bringing the number of judges to 17, although none were women.[67]

47. The country team noted that the Legal Aid Policy and the Legal Aid Bill had not yet been tabled in Cabinet for approval.[68]

48. The Committee on the Elimination of Discrimination against Women was concerned that there was no legal aid scheme in Swaziland and that complex legal procedures, exorbitant legal fees and the geographical inaccessibility of courts impeded women's access to justice. It recommended that Swaziland ensure that women, especially those belonging to disadvantaged groups, have effective access to justice in all parts of the country.[69] The

country team recommended establishing a government-led and funded national legal aid facility to provide enhanced access to justice for the poor and vulnerable, as well as the finalization and adoption of the Legal Aid Policy.[70]

49. The country team noted that, during the first review, it had been recommended that Swaziland intensify the training programmes for the personnel responsible for law enforcement and develop and implement human rights training programmes for members of the judiciary and law enforcement officials, including the police, security forces and correctional officers.[71]

50. The Committee on the Elimination of Discrimination against Women was concerned at reports that perpetrators of murders of girls and women with albinism were prosecuted for less serious crimes, such as causing grievous bodily harm, and therefore received lenient sentences upon conviction. It recommended that Swaziland ensure that all complaints relating to violence against women and girls with albinism are effectively investigated and perpetrators prosecuted and punished with appropriate sanctions upon conviction.[72]

51. According to the country team, the juvenile justice system remained largely unchanged and no comprehensive assessment had been conducted.[73]

D. Right to marriage and family life

52. The Committee on the Elimination of Discrimination against Women urged Swaziland to take effective legal measures to prohibit and eliminate child and/or forced marriage and abolish polygamy.[74]

53. The Committee on the Elimination of Discrimination against Women was concerned that Swaziland retained the "fault" principle under its divorce law and that there was a lack of information on the economic impact of the principle on women during the division of matrimonial property, in particular when women were found to be at fault in a divorce case. The Committee called upon Swaziland to separate the fault-based divorce grounds and the distribution of marital property.[75]

E. Freedom of expression, association and peaceful assembly, and the right to participate in public and political life

54. The country team recalled that, in 2011, recommendations made to Swaziland included: ensuring the respect of the rights of all Swazi citizens to freedom of assembly, association and expression, particularly by allowing labour, political and civil society groups to assemble peacefully; easing the legislative and administrative restrictions on the registration and operation of independent media; and developing a legal framework that guaranteed media freedom.[76]

55. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recalled that freedom of expression was enshrined in article 24 of the Constitution of Swaziland and could only be restricted if in the interest of defence, public safety, order, morality or health. However, the King had absolute power to interfere and to suspend the constitutional rights at his discretion.[77]

56. UNESCO recommended that Swaziland fully implement the constitutional provision on freedom of expression and introduce a freedom of information law that is in accordance with international standards.[78]

57. Four special procedure mandate holders sent a follow-up communication regarding the alleged arbitrary detention, conviction and solitary confinement of human rights lawyer Thulani Maseko for exercising his legitimate right to freedom of opinion and expression.[79]

58. The country team noted that, in July 2014, Mr. Maseko and journalist Bheki Makhubu had been convicted of contempt of court and given prolonged prison sentences for having exercised their rights to freedom of opinion and expression by writing articles critical of the judiciary.[80]

59. Noting that defamation was regarded as a criminal offence[81] and that there was no freedom of information legislation,[82] UNESCO recommended that Swaziland decriminalize defamation and place it within a civil code that is in accordance with international standards.[83]

60. UNESCO stated that there was one major journalists' union in Swaziland, which had passed a code of ethics and could thus implement some functions of a self-regulatory body.[84]

61. UNESCO noted that the Swaziland Media Complaints Commission, a self-regulatory body of journalists and other media workers, had been officially registered in 2011 following a 14-year effort by local media organizations.[85]

62. The country team noted that only one State-owned and religious radio station was licensed to operate. Community radio space remained restricted. Although print media was open to private licensing, a high level of surveillance by State organs continued to undermine the media's independence.[86]

63. According to the country team, no significant progress had been achieved in the area of freedom of assembly and association. Political parties remained banned and their leaders remained under constant threat of prosecution under the Public Order Act, the Suppression of Terrorism Act and the Sedition and Subversive Activities Act.[87]

64. The country team noted that the registration of the Trade Union Coalition of Swaziland was indicative of some progress towards the freedom of assembly for labour formations and that the Government was currently reviewing guidance on conduct during public protests.[88]

65. The Committee on the Elimination of Discrimination against Women noted that section 86 of the Constitution set a quota of 30 per cent representation of women in Parliament and expressed concern that such provisions had not been fully implemented in the 2008 and 2013 parliamentary elections. It called upon Swaziland to fully invoke the legislative provisions on temporary special measures to increase the representation of women in Parliament.[89]

66. Concerned at the lack of information on the impact of the *tinkhundla* electoral system, which banned political parties, on the political participation of women, the Committee on the Elimination of Discrimination against Women recommended that Swaziland undertake a comprehensive study on the impediments that the *tinkhundla* electoral system presents to women who seek to stand for political office.[90]

67. The Committee on the Elimination of Discrimination against Women was concerned at reports that women were largely excluded from participating in decision-making on matters of rural development and policy owing to persisting negative social and cultural norms regarding their participation. It called upon Swaziland to facilitate the participation of women in decision-making regarding rural development programmes and policies.[91]

F. Right to work and to just and favourable conditions of work

68. The Committee on the Elimination of Discrimination against Women was concerned about the continued occupational segregation between women and men in the labour market and the fact that women were concentrated in low-paid jobs in the informal economy. It called upon Swaziland to intensify efforts to promote the entry of women into the formal economy, to strengthen efforts aimed at eliminating structural inequalities and occupational segregation and to adopt measures to narrow and close the gender pay gap by, among other things, regularly reviewing wages in sectors in which women are concentrated.[92]

69. In 2014, the ILO Committee of Experts requested Swaziland to take or envisage taking measures to, inter alia, improve women's access to employment and occupation, education, vocational training and occupational guidance.[93]

70. Concerned about the non-compliance by the private sector with the provisions of the Employment Act that provided for 12 weeks of maternity leave, the Committee on the Elimination of Discrimination against Women called upon Swaziland to conduct regular labour inspections and enforce compliance with labour laws by private employers, especially in relation to maternity leave.[94]

G. Right to social security and to an adequate standard of living

71. The country team recalled that, in the first universal periodic review, it had been recommended that Swaziland strengthen the policy coordination and implementation of national programmes in the area of food and nutrition security, as well as the access to adequate, clean and safe drinking water, especially for the population living below poverty line.[95]

72. The country team reported the draft national food and nutrition policy had just been finalized for submission to Cabinet for endorsement. It added that the Government continued to implement a project targeting provision of adequate, clean and safe drinking water for the population, especially in the most deprived regions of the country, such as Lubombo and Shiselweni.[96]

73. Concerned at the lack of income-generating opportunities for rural women, the Committee on the Elimination of Discrimination against Women called upon Swaziland to continue to expand women's access to microfinance and microcredit at low interest rates.[97]

74. The Committee on the Elimination of Discrimination against Women noted the provision by Swaziland of small financial grants to older persons and efforts to improve the lives of women with disabilities and widows. It called upon Swaziland to pay special attention to the needs of older women, women with disabilities and widows to ensure that they enjoy equal access to health care, training, employment and other rights.[98]

75. The country team recommended that Swaziland strengthen its Department of Social Welfare and its Disability Unit.[99]

H. Right to health

76. The country team recalled that, in 2011, specific recommendations had been made during the universal periodic review on HIV/AIDS, such as that a national strategy on HIV/AIDS should be developed, including strategies to eliminate stigma and discrimination, and the national HIV/AIDS prevention, care and treatment programmes should be further strengthened.[100]

77. The country team noted that Swaziland had the highest HIV prevalence in the world at 26 per cent among the sexually active population, with the rate of HIV infection higher among women than men. In 2014, the Extended National Strategic Framework on HIV/AIDS (2014-2018) had been adopted, the main goals of which were: to reduce new HIV infections among adults and children by 50 per cent by 2015; to reduce mortality and morbidity among people living with HIV; to alleviate the socioeconomic impacts of HIV/AIDS among vulnerable groups; and to improve efficiencies and effectiveness in the national response planning, coordination and service delivery.[101]

78. According to the country team, Swaziland had made progress in its HIV response since 2011. Coverage of prevention of mother-to-child transmission had increased over the years and HIV testing had been decentralized to the primary health-care level.[102] However, the achievements had been compromised by the high rate of new HIV infections. Although HIV incidence decreased from 2.5 per cent in 2011, it was still high at 1.8 per cent in 2013.[103]

79. The Committee on the Elimination of Discrimination against Women called upon Swaziland to intensify the implementation of HIV/AIDS response strategies, especially preventive strategies, and to continue to provide free antiretroviral treatment to all women and men living with HIV/AIDS.[104]

80. Recalling that it had been recommended in the 2011 review that Swaziland increase investments to reduce the high maternal mortality and the rate of child mortality,[105] the country team stated that overall maternal mortality and neonatal mortality remained high, with maternal mortality currently estimated at 593 per 100,000 live births and neonatal mortality at 20 per 1,000 births.[106]

81. The Committee on the Elimination of Discrimination against Women called upon Swaziland to step up efforts to reduce the incidence of maternal mortality, such as providing safe abortion and post-abortion care services.[107] The country team recommended that Swaziland develop clear procedures and guidelines on the implementation of constitutionally sanctioned abortion, for example in cases of pregnancy resulting from rape or incest or on medical grounds.[108]

I. Right to education

82. The country team recalled that Swaziland had been encouraged in the first review to continue pursuing the right to education for all, with particular attention given to the realization of that right for girls. Strengthening awareness-raising campaigns to ensure the use of alternative disciplinary measures to corporal punishments, in accordance with the human dignity of the child, had also been recommended.[109]

83. The country team stated that Swaziland had continued its efficient implementation of the Free Primary Education programme, with net enrolment rates remaining above 90 per cent. Primary school attendance stood at 97 per cent for boys and 98 per cent for girls. About 60 per cent of learners in primary schools were orphaned or vulnerable children.[110]

84. Noting that net enrolment at secondary level was extremely low (27 per cent) and that it was coupled with a low retention rate, especially for boys, the country team stated that contributing factors included the prohibitive cost of secondary school education, adolescent pregnancy and violence in and around schools.[111]

85. The Committee on the Elimination of Discrimination against Women recommended that Swaziland remove the indirect costs of primary education, such as payment for school uniforms, to ensure that it is free and accessible to girls.[112]

86. Concerned about the increasing number of girls who drop out of school, mainly as a result of teenage pregnancy, the Committee on the Elimination of Discrimination against Women recommended that Swaziland promote their re-entry after they have given birth.[113]

87. In 2013, the ILO Committee of Experts urged Swaziland to strengthen its efforts to improve the functioning of the education system and to provide concrete information on the measures taken to improve access to free basic education to children at the primary level and decrease dropout rates.[114]

88. UNESCO strongly encouraged Swaziland to continue efforts to guarantee better implementation of education plans and strengthen access to education for all, including reintegration of dropout students, students with prison sentences, immigrant students and other marginalized groups of society.[115]

89. UNESCO encouraged Swaziland to continue putting in place human rights education, including conducting awareness-raising campaigns to prevent corporal punishment in all settings and violence against women and lesbian, gay, bisexual and transgender communities in teacher training and as part of school curricula.[116]

J. Migrants, refugees and asylum seekers

90. UNHCR stated that, as of June 2015, Swaziland was hosting some 539 refugees and 321 asylum seekers and that education, health and other services were provided by the Government for the asylum seekers and refugees who resided in the Malindza reception centre.[117]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Swaziland from the previous cycle (A/HRC/WG.6/12/SWZ/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] See CEDAW/C/SWZ/CO/1-2, paras. 44 and 49.

[5] See United Nations country team submission for the universal periodic review of Swaziland, para. 4. See also UNESCO submission for the universal periodic review of Swaziland, table I.1.

[6] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[7] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[8] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[9] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.
[10] International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).
[11] ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Domestic Workers Convention, 2011 (No. 189).
[12] See country team submission for the universal periodic review of Swaziland, para. 55.
[13] Ibid., para. 9.
[14] Ibid., para. 56.
[15] Ibid., para. 34.
[16] Ibid., para. 35.
[17] ILO progress report C.App./D.14, p. 2. Available at www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_374772.pdf.
[18] See CEDAW/C/SWZ/CO/1-2, paras. 8 and 9. See also country team submission for the universal periodic review of Swaziland, paras. 17 and 56, and ILO Committee of Experts on the Application of Conventions and Recommendations, observation concerning the Worst Forms of Child Labour Convention, 1999 (No. 182) – Swaziland, adopted in 2013, published 103rd ILC session (2014), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3149073:NO.
[19] See CEDAW/C/SWZ/CO/1-2, para. 11.
[20] Ibid., para. 9. See also country team submission for the universal periodic review of Swaziland, para. 56.
[21] See CEDAW/C/SWZ/CO/1-2, paras. 10 and 11.
[22] A/HRC/28/85, p. 124. See also UNHCR submission for the universal periodic review of Swaziland, p. 6.
[23] UNHCR submission for the universal periodic review of Swaziland, p. 7.
[24] Ibid., p. 6.
[25] Ibid., p. 2.
[26] Ibid., p. 3.
[27] Ibid., p. 4.
[28] See country team submission for the universal periodic review of Swaziland, para. 7.
[29] Ibid., para. 5.
[30] Ibid., para. 50. See also CEDAW/C/SWZ/CO/1-2, paras. 12 and 13.
[31] Ibid., para. 53.
[32] See CEDAW/C/SWZ/CO/1-2, paras. 14 and 15.
[33] See country team submission for the universal periodic review of Swaziland, para. 56.
[34] Ibid., para. 51.
[35] Ibid., para. 56.
[36] See CEDAW/C/SWZ/CO/1-2, para. 48.
[37] See country team submission for the universal periodic review of Swaziland, para. 52.
[38] Ibid., para. 56.
[39] See CEDAW/C/SWZ/CO/1-2, para. 50.
[40] For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
[41] OHCHR, "OHCHR's approach to field work" (2014), p. 157.
[42] See country team submission for the universal periodic review of Swaziland, para. 13.
[43] Ibid., para. 10.
[44] See CEDAW/C/SWZ/CO/1-2, para. 28.
[45] See country team submission for the universal periodic review of Swaziland, para. 12.
[46] Ibid., para. 14.
[47] See CEDAW/C/SWZ/CO/1-2, para. 29.

[48] Ibid., para. 41.
[49] Ibid., paras. 18 and 19.
[50] Ibid., paras. 22 and 23.
[51] See country team submission for the universal periodic review of Swaziland, para. 18.
[52] See CEDAW/C/SWZ/CO/1-2, paras. 20 and 21.
[53] Ibid., para.21.
[54] Ibid., para. 21.
[55] Ibid., paras. 30 and 31.
[56] Ibid., paras. 20 and 21.
[57] Ibid., paras. 24 and 25.
[58] See country team submission for the universal periodic review of Swaziland, para. 15.
[59] Ibid., para. 16.
[60] Ibid., para. 18.
[61] ILO Committee of Experts on the Application of Conventions and Recommendations, observation concerning the Forced Labour Convention, 1930 (No. 29) – Swaziland, adopted in 2013, published 103rd ILC session (2014), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148962:NO.
[62] See CEDAW/C/SWZ/CO/1-2, paras. 30 and 31.
[63] Ibid., paras. 24 and 25.
[64] Ibid., para. 25.
[65] Ibid., para. 25.
[66] See country team submission for the universal periodic review of Swaziland, para. 20.
[67] Ibid., para. 22.
[68] Ibid., para. 23.
[69] See CEDAW/C/SWZ/CO/1-2, paras. 12 and 13.
[70] See country team submission for the universal periodic review of Swaziland, para. 56.
[71] Ibid., para. 51.
[72] See CEDAW/C/SWZ/CO/1-2, paras. 22 and 23.
[73] See country team submission for the universal periodic review of Swaziland, para. 19.
[74] See CEDAW/C/SWZ/CO/1-2, para. 19.
[75] Ibid., paras. 42 and 43.
[76] See country team submission for the universal periodic review of Swaziland, para. 25.
[77] See UNESCO submission for the universal periodic review of Swaziland, para. 56.
[78] Ibid., para. 67.
[79] A/HRC/30/27, p. 17.
[80] See country team submission for the universal periodic review of Swaziland, para. 28.
[81] See UNESCO submission for the universal periodic review of Swaziland, para. 57.
[82] Ibid., para. 58.
[83] Ibid., para. 67.
[84] Ibid., para. 59.
[85] Ibid., para. 60.
[86] See country team submission for the universal periodic review of Swaziland, para. 27.
[87] Ibid., para. 26.
[88] Ibid., para. 28.
[89] See CEDAW/C/SWZ/CO/1-2, paras. 16 and 17.
[90] Ibid., paras. 26 and 27.
[91] Ibid., paras. 36 and 37.
[92] Ibid., paras. 32 and 33.
[93] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Swaziland, adopted in 2014, published 104th ILC session (2015), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3187773:NO.
[94] See CEDAW/C/SWZ/CO/1-2, paras. 32 and 33.
[95] See country team submission for the universal periodic review of Swaziland, para. 39.
[96] Ibid., para. 41.
[97] See CEDAW/C/SWZ/CO/1-2, paras. 36 and 37.

[98] Ibid., paras. 38 and 39.
[99] See country team submission for the universal periodic review of Swaziland, para. 56.
[100] Ibid., para. 37.
[101] Ibid., para. 40.
[102] Ibid., para. 41.
[103] Ibid., para. 42.
[104] See CEDAW/C/SWZ/CO/1-2, para. 35.
[105] See country team submission for the universal periodic review of Swaziland, para. 38.
[106] Ibid., para. 40.
[107] See CEDAW/C/SWZ/CO/1-2, para. 35.
[108] See country team submission for the universal periodic review of Swaziland, para. 56.
[109] Ibid., para. 43.
[110] Ibid., para. 44.
[111] Ibid., para. 45.
[112] See CEDAW/C/SWZ/CO/1-2, para. 31.
[113] Ibid., paras. 30 and 31.
[114] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Worst Forms of Child Labour Convention, 1999 (No. 182) – Swaziland, adopted 2013, published 103rd ILC session (2014).
[115] See UNESCO submission for the universal periodic review of Swaziland, para. 65.
[116] Ibid., para. 65.
[117] UNHCR submission for the universal periodic review of Swaziland, p. 2.